

**PLANNING AND ZONING COMMISSION
MINUTES
GENERAL MEETING
NOVEMBER 3, 2015**

Place: Room 206, Town Hall

TIME: 8:00 P.M.

PLANNING & ZONING COMMISSION MEMBERS ATTENDING:
Cameron, DiDonna, Olvany, Sini, Jr., Voigt

STAFF ATTENDING: Ginsberg, Keating
RECORDER: Syat
Channel 79

Chairman Cameron opened the meeting at 8 P.M. and read the first agenda item:

GENERAL MEETING

Amendment of Site Plan #264-A, Holmes School, 18 Hoyt Street, R-1/3 Zone.
Proposal for emergency generator at Holmes School.

Mr. Ginsberg explained the two one-page letters (one dated October 29) received from Board of Education Facilities Director Michael Lynch regarding the proposed generator to be placed on the north side of Holmes School. It was noted that there will be a white plastic/PVC fence in front of the generator and a black chain link fence around its other sides. Mr. Lynch acknowledged that the generator is not large enough to power the entire school during a power outage, only portions of it. Mr. Olvany made a motion to approve the request as submitted. That motion was seconded by Mr. Sini and approved by a vote of 5-0.

Chairman Cameron read the following agenda item:

Amendment of Business Site Plan #96-J, PAG Connecticut LR1, LLC, Land Rover/Jaguar, 1335 Boston Post Road.

Request to: construct a small stone wall and a hedge in the front yard, near Boston Post Road; replace existing perimeter fence with a new fence; and eliminate traffic island and move light pole.

Mr. Ginsberg summarized the October 30, 2015 e-mail from Nolan Redding of Penske Automotive. The proposal includes a number of facets. These include: a small stone wall and a hedge in the front yard near Boston Post Road; replacing the existing perimeter fence with a new fence; and eliminating two traffic islands and moving a light pole. These were shown on the submitted 11" x 17" site plan.

Mr. Olvany made a motion to approve the request. That motion was seconded by Mr. DiDonna and approved by a vote of 5-0.

Chairman Cameron then read the following agenda item:

Informal presentation regarding 131 Hollow Tree Ridge Road (the "Duhaime property").

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Attorney Michael Murray was present representing the contract purchaser. He explained that in 1999, the Planning and Zoning Commission put a new overlay zoning district in place on this property. One significant change has occurred; however, in 1999, there was an expectation that sanitary sewers would or could be extended to this site. Although sewer lines are nearby to the north and to the south, they are not connectible due to the railroad and I-95. He added that AvalonBay is hooked up privately directly to Stamford. Thus, the expected sewer line extension is not practicable.

In 2000, there was a lawsuit regarding the accessway into the Avalon Bay property. A CL&P lawsuit was settled in 2006 resulting in an easement through the property, and since that time, the State of CT DOT has taken some frontage of this property. More recently, the southbound I-95 rest stop has been expanded adjacent to the Turnpike.

Mr. Murray said that this part of Hollow Tree Ridge Road is a traffic pinch point, and it would be difficult for all the reasons noted, to develop this as residential. Mr. Sini asked if it would be possible to tie into the rest stop sanitary sewer line. Professional Engineer Doug DiVesta responded that this has not been explored, but other work on State land was not acceptable to the State DOT. Mr. Murray responded that he would check into this possibility. Mr. Sini said that it would be helpful to have better verification on whether this is even possible.

Mr. Murray said that the proposed use is a self-storage facility. This is much needed within Darien, and would have little or no impact on existing traffic in the vicinity. The proposed building would meet the building height allowed within this zone, and also meet the Building Coverage maximum. He believed that it fit within the Town Plan of Conservation & Development, and supports the needs of the Town. There is a possibility of workforce housing and an office for the facility in the front. Public water is available to the site.

Mr. Olvany said that in his experience, signage is important for these facilities. Mr. John Hertz, one of the potential builders, said that this would not need signage, and that in response to a concern from Mr. Ginsberg, there would be no sign facing I-95. Mr. Murray said that they will go before the Architectural Review Board (ARB) if the Commission gives positive feedback. It was noted that they now share a driveway with Avalon Bay. In response to a question, Mr. Hertz said that the facility would be open from 6 a.m. to 9 p.m. seven days a week. There will be about 100 garages with 30 possible parking spaces for boats and trailers. There will be 600+/- storage units of varying sizes. Mr. Murray said that it is likely that most of the users would be from Darien.

Mr. Voigt asked whether train station parking was considered for this property. Mr. Hertz responded that this was considered, but not preferred. He said that they could include 12+/- parking spaces for commuters if the Commission wished.

Mr. Ginsberg said that one of the pending issues was whether the proposed contract purchaser would need to amend the existing Town Plan for this proposed use. It was confirmed that the zoning regulations would need to be amended to allow this use. Mr. Olvany agreed that the Commission would need to define the use and allow it, and create a specific parking requirement for the use. Mr. Ginsberg said that he had recently spoken with Michael Galante of FP Clark Associates, who noted that this is a low-intensity use. Ms. Cameron said that in her opinion, this is a project worth pursuing. Mr. Olvany agreed.

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At about 8:30 p.m., Chairman Cameron then read the following agenda item:

Informal discussion regarding redevelopment of 1340 Boston Post Road (former Chuck's Steakhouse) and signage regulations.

David Genovese of Baywater Properties said that he now owns the property formerly occupied by Chuck's Steakhouse, and is considering the construction of a new building and associated parking for Shake Shack. He said that potential signage is a concern of this future tenant. Mr. Eric Brown of Shake Shack gave some history of Shake Shack, noting that it is now growing by about ten stores per year throughout the country. He distributed a booklet with more information about the company and its history. Each Shake Shack is designed to fit into its local community. He said that 24 inch high letters were installed at their Westport, CT location.

Attorney Robert Maslan said that the property is a little under 0.75 acres, and they are looking to create about 3,100 square feet of building with 45 parking spaces on-site. He showed the difference between a sign with ten inch letters versus twenty-four inch letters. He then noted other buildings in Darien which have received sign variances through the years, including nearby H&L Chevrolet and the Darien Sport Shop. He said that in order to get a variance from the ZBA, one needs to prove hardship. He explained that in general, the Planning and Zoning Commission has delegated review of signage to the Architectural Review Board. Mr. Genovese noted that car dealers are destination uses, not like a restaurant. Mr. Ginsberg said that as a restaurant in the SB zone, this use will require Special Permit review by the Commission. Further discussion ensued, and Mr. Sini said that given the extent of the Regulation change, it may be necessary for the business to get a variance from the ZBA.

At about 9:00 p.m., Chairman Cameron read the following agenda item:

Business Site Plan #136-B, Dolcetti, Inc., 2 Squab Lane, CBD Zone.
Request for extension of time to implement project.

Mr. Ginsberg referred to the information given to the Commission in their packets, including his October 30, 2015 cover memo. He noted that there was a September 2006 approval for this project, and no demolition permit has yet been applied for or approved or acted upon. No required open space plaza was filed in the Darien Land Records. It was acknowledged that a letter from the Dolcettis dated earlier today was received stating that they are changing attorneys. Mr. Sini asked whether the existing permit was expired since it was approved in 2006 and not acted upon. Mr. Sini then read aloud from the April 24, 2015 letter from Jeremy Ginsberg on behalf of the Commission to the property owners (the Dolcettis), including the excerpt where it was confirmed that no further extensions would be granted. It was explained that Brooks Brothers was able to finish space in the basement, but did not provide the required open space plaza as required by the Commission's approval and the Zoning Regulations.

Mr. Rick Dolcetti explained that he was recently brought in on the matter by Dan and Phil Dolcetti, the property owners. He said that the 2 Squab Lane piece was part of a bigger redevelopment of several parcels. He claimed that there was some ambiguity about the required open space, or whether the Brooks Brothers basement space required open space. He also discussed confusion

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regarding the monumental stair plaza. Mr. Voigt said that it was clear that everyone knew the expiration date was coming and that no extension would be granted. Mr. DiDonna strongly disagreed, and said that it makes sense to move forward with the project, not to shut it down. Ms. Cameron said that an employee parking situation exists in this area now. Mr. Dolcetti then asked for a 30 day extension of time to get things lined up and provide details to the Commission. He believed that this is the only piece missing in the fabric of the redevelopment of downtown.

Mr. Sini said that there is nothing ambiguous about the April 24, 2015 letter, especially the phrase "no further extensions of time will be granted..." He said that there has been a lack of progress on every front. Ms. Cameron confirmed that there is a need to file the required open space declaration that was outlined in the letter, in the Land Records. Mr. Riko Imbrogno was present and said that he is willing to develop the project.

Mr. Sini said that he too would like to see the site redeveloped, but he is not willing to grant an extension. The applicant or building will need to come back to the Commission for reconsideration as part of a formal application. Mr. Voigt said that the open space needs to be filed because it was required by the past approval. Mr. Dolcetti responded that he is concerned about the open space and basement questions. Mr. DiDonna said that there is a need to pin down the open space and stair locations. The conclusion of the Commission was that the Site Plan had expired, but they all agreed that they want a re-application in the near future.

Chairman Cameron read the following agenda item:

Discussion, deliberation, and possible decisions regarding:

Special Permit Application #15-N/Site Plan, Land Filling & Regrading Application #44-B, Wee Burn Country Club, 410 Hollow Tree Ridge Road. Proposal to: incorporate 480 and 490 Hollow Tree Ridge Road into the site; improve and expand the driving range and practice area; expand on-site parking; and perform related site development activities. *DECISION DEADLINE: 12/10/2015.*

Mr. Sini left the table to avoid any perception of a conflict of interest.

The following motion was made: That the Planning & Zoning Commission waive the process of reading the draft resolution aloud because each member has had an opportunity to review the draft prior to the meeting. The motion was made by Mr. Olvany, seconded by Mr. Voigt and unanimously approved.

Mr. DiDonna had a comment regarding paragraph E of the draft resolution regarding the future flexibility in the height of the proposed forty foot high netting. Ms. Cameron had a comment regarding paragraph B. Mr. Keating suggested deleting H7, since it would not make sense to include that provision. Ms. Cameron wanted to make sure that the Club could preserve the existing hedge to the north of the parking lot and to the south of the short game area.

The following motion was made: That the Planning & Zoning Commission adopt the following revised resolution to approve the project subject to the conditions and stipulations as noted. The motion was made by Mr. Olvany, seconded by Mr. DiDonna and approved by a vote of 4-0. The adopted resolution reads as follows:

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**PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
November 3, 2015**

Application Number: Special Permit Application #15-N/Site Plan
Land Filling & Regrading Application #44-B

Assessor's Map #7 Lots #62, #63, #64, and #66
Street Address: 410 Hollow Tree Ridge Road

Name and Address of Applicant &:
Property Owner: Wee Burn Country Club Inc.
410 Hollow Tree Ridge Road
Darien, CT 06820

Name and Address of
Applicant's Representative: D. Bruce Hill, Esq.
Law Office of Bruce Hill, LLC
30 Old King's Highway South
Darien, CT 06820

Activity Being Applied For: Proposal to: incorporate 480 and 490 Hollow Tree Ridge Road into the site; improve and expand the driving range and practice area; expand on-site parking (with associated lighting); stormwater management and landscaping; and perform related site development activities.

Property Location: The subject property is situated on the east side of Hollow Tree Ridge Road, east of its intersection with Christie Hill Road, approximately 400 feet north of its intersection with Hanson Road.

Zone: R-2

Date of Public Hearing: September 1, 2015 continued to October 6, 2015

Time and Place: 8:00 P.M. Room 206 Town Hall

Publication of Hearing Notices

Dates: August 21 & 28, 2015

Newspaper: Darien News

Date of Action: November 3, 2015

Action: GRANTED WITH STIPULATIONS

Scheduled Date of Publication of Action:
November 13, 2015

Newspaper: Darien News

The Commission has conducted its review and findings on the bases that:

- the proposed use and activities must comply with all provisions of Sections 400, 850, 1000 and 1020 of the Darien Zoning Regulations for the Commission to approve this project.

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- the size, nature, and intensity of the proposed use and activities are described in detail in the application, the submitted development plans, and the statements of the applicant's representative whose testimony is contained in the record of the public hearing, all of which material is incorporated by reference.
- each member of the Commission voting on this matter is personally acquainted with the site and its immediate environs.

Following careful review of the submitted application materials and related analyses, the Commission finds:

1. As explained in the applicant's submittal, the proposal is for three separate, but related aspects:
a) incorporate 480 and 490 Hollow Tree Ridge Road into the Wee Burn Country Club site; b) improve and expand the driving range and practice area; and c) expand on-site parking, add associated parking lot lighting, and perform related site development activities.

INCORPORATE 480 AND 490 HOLLOW TREE RIDGE ROAD INTO THE SITE

2. At the September 1 public hearing, Attorney Bruce Hill noted that there are several properties involved in the application. The property known as 410 Hollow Tree Ridge Road is part of the Club and is utilized as such. The property known as 480 Hollow Tree Ridge Road is a building lot adjacent to the Club and it is owned by the Club, but it is not now part of the existing Special Permit for the Club. An additional parcel, 490 Hollow Tree Ridge Road, is now a separate building lot and is located adjacent to the Club and owned by the Club and it too is not now part of the existing Special Permit for the Club. Attorney Hill said that the plan is to remove the existing house at 480 Hollow Tree Ridge Road. One of the curb cuts from Hollow Tree Ridge Road into that site will be eliminated, as part of this proposal. The existing swimming pool and adjacent patio at 490 Hollow Tree Ridge Road will be removed, but the house at that location will remain. The submitted plans show substantial buffer plantings on the 490 Hollow Tree Ridge Road property, and an extension of the driving range onto the area of that property which is now the swimming pool and pool house. Over 125 feet of forty foot high netting is proposed by the applicant to be placed near the existing 490 Hollow Tree Ridge Road residence to protect it from golf balls being hit at the driving range. Because of the fact that the driving range extends onto the 490 property as does the required buffer plantings and forty foot high netting, the 480 and 490 Hollow Tree Ridge Road properties will be incorporated into the Club parcel and will become part of, and subject to the various aspects of, the Special Permit for the Club.
3. Attorney Hill said that the house at 490 Hollow Tree Ridge Road has been approved as, and will continue to be, used as a single-family residence unless and until the Club returns to the Planning & Zoning Commission with a request to modify that use.

IMPROVE AND EXPAND THE DRIVING RANGE AND PRACTICE AREA

4. A 72 space parking lot will be constructed for use by Club members and for Club activities. One driveway from 480 Hollow Tree Ridge Road will become an emergency egress from the parking lot to the street. The practice driving range will be expanded and extended, and 40 foot high safety netting will be placed on the easterly side of the proposed parking lot (and the westerly side of the driving range) and will protect vehicles and persons in the parking lot and in Hollow Tree Ridge

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Road from stray golf balls. The netting is proposed approximately 130 - 150 feet from Hollow Tree Ridge Road.

5. To enlarge the existing practice driving range, the Club will revise the bag drop off area and create a new pedestrian sidewalk near the pro shop. Additional golf cart parking area will be created in the vicinity of the clubhouse. The driving range will be reconfigured and lengthened. An evergreen barrier of trees will be planted between the street and the parking lot and that landscaped area will be approximately 50 feet wide. Then there will be tall plantings on both sides of the safety net, which will be located between the proposed new parking lot and the driving range. Support poles and netting are both a flat black material and are not very noticeable. The net height will be 40 feet tall. The existing driving range is approximately 240 yards long. The new practice driving range will be 300 yards long.
6. Commission members expressed concern about the potential visual impact of 40 foot tall poles and netting. There was a desire to have the netting be high enough to eliminate balls being hit onto Hollow Tree Ridge Road, while at the same time, minimizing potential visual impacts. The support poles extend up approximately 40 feet in height, and are painted "flat black" and will be difficult to see due to the buffer along Hollow Tree Ridge Road.

EXPAND ON-SITE PARKING AND INSTALL PARKING LOT LIGHTING

7. In response to questions, Attorney Hill said that there are approximately eight on-site parking spaces that will be lost due to the reconfiguration and 72 new spaces will be added. Therefore there will be a net gain of 64 paved parking spaces. In addition to that, there is overflow parking at the north edge of the new parking lot. This overflow parking will be used for special events and/or in unusual circumstances when there are many guests at the Club. The northerly curb cut of the new parking area will be gated so that it would be used only as an emergency egress.
8. The proposal is to use three foot tall lighting bollards on the interior parking lot and 12 foot high light poles on the street side of the parking lot. By having the poles on the street side of the parking lot they will shine in toward the site rather than shining toward the neighbors. The fixtures on the poles will also have light cut off structures to minimize or eliminate any light spillage toward Hollow Tree Ridge Road or the neighbors. It was noted that there are some 12 foot poles along the existing parking lot and that they will be converted to LED lights, which are recessed into the fixtures.

STORMWATER MANAGEMENT AND LANDSCAPING

9. Craig Flaherty, Professional Engineer from Redniss & Mead, said that one of the plans is to use porous asphalt as the hard surface for the proposed parking area. Approximately 25,000 square feet of new landscaped area will be added and approximately 42,000 square feet of new porous asphalt parking spaces will be added. Utilizing porous asphalt allows stormwater to drain through it and into the ground, rather than running off of the parking area and having to be collected and managed elsewhere. He acknowledged that all of the drainage eventually goes towards Stony Brook but it is better to have it soak into the ground at the parking lot location so that it more effectively manages the peak runoff and the volume of that runoff as well as the water quality. He said that the Club will maintain the special asphalt material so that it remains porous long into the future.

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10. The applicant's Landscape Architect presented detailed plans of the buffer area adjacent to Hollow Tree Ridge Road at the public hearing. He said many invasive plants in this area need to be removed and many new plants will be installed. They are proposing three layers of landscaping in order to screen the parking lot and its associated lighting. This includes the lawn area and low stone wall adjacent to the road. This area also has some trees which will remain; a heavy buffer of diverse species. These trees will be 40 – 100 feet tall at maturity. The plan is to supplement the existing woodland meadow with additional plants.
11. It was questioned whether it would be possible to keep the proposed 72 space parking lot gated at both ends and only lit and only open for use when it is absolutely necessary. Attorney Hill said that they are looking into the installation of timers on the lights and they are not yet willing to specify that the entire new parking lot be gated off because they anticipate that those spaces will be needed on a routine basis.

NEIGHBOR CONCERNS WITH PROPOSAL

12. At the public hearing, there was concern from neighbors about the light glare from the new parking lot and the new light fixtures, including any potential glowing effect. There was also concern about the sound from golf balls being hit and golf carts backing up. The neighbors also wanted to see the minimization of visual impacts of any potential high netting. Their concerns also included landscaping within 40 feet of Hollow Tree Ridge Road—they requested a mix of evergreens and deciduous trees within the proposed buffer to protect neighbors and other people adjacent to or on Hollow Tree Ridge Road from seeing the poles and netting.
13. Other concerns voiced by neighbors included: that the additional parking would be for general use on a daily basis; a gate at the end of the parking lot and near the street to make sure that the new parking lot is not used on a routine basis but it is only used for special events; the use of the house at 490 Hollow Tree Ridge Road and whether it will be a dormitory or staff housing or some other use or activity; the 40 foot high net on tall poles; 12 foot high light poles; the parking lot lights, and whether they should be on timers so that they would not be on in the evening at any time other than when they are absolutely necessary.

SECOND PUBLIC HEARING ON OCTOBER 6, 2015

14. On October 2, 2015, revised plans dated October 1, 2015 were submitted for the record. These plans, which include a revised site plan, revised color planting plan revised buffer plan and lighting plan, were in response to the comments made by the public at the first public hearing, as well as with subsequent meetings between the Club and the neighbors. The changes in the plans include, but are not limited to: less parking lot lighting; increased distance between poles; a reduction in the size of the parking lot; more robust planting and landscaping details (including a revised table of landscaping to indicate the number of trees to be removed and the number of trees to be added); and a modification of the driveway at 490 Hollow Tree Ridge Road.
15. The revised plans show that landscape area has also been extended from 370 feet shown on the previous plan to now be 560 feet long along the street. The plan also eliminates one curb cut at 490 Hollow Tree Ridge Road and a large spruce tree will be planted in that area to fill in the gap and therefore minimize visibility of the Club activities. The remaining driveway will have a curve in it to avoid a visual straight line from the street into the Club site. The emergency

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vehicle egress driveway will have a gate (at the north end of the parking lot), but will have paved driveway with stabilized edges.

16. It was confirmed that the poles for the netting will not be aligned with the emergency egress driveway and therefore the poles should not be visible from Hollow Tree Ridge Road. From the street to the netting will be a distance of approximately 110 to 150 feet. Revisions to the Landscaping Plan include additional planting to protect the neighbors to the south. This includes adding shrubs that are least 6 foot tall and reducing the lighting along the pathway to be low bollard lights.
17. In response to questions, it was acknowledged that smaller light poles were considered, but were not satisfactory. Thus, the revised plan shows twelve foot high light poles for the parking lot, with plants to screen the light source from the neighbors. They have also included light bollards on the south side of the parking lot to minimize any potential light intrusion toward the neighbors in the south.
18. The applicant's attorney agreed that in the event that the height of the netting adjacent to the driving range needs to be increased for safety reasons, then they would need to return to the Planning & Zoning Commission to request a modification of the plans.
19. Relative to the new parking lot, seventy-two (72) new, paved parking spaces are being proposed and they will be used routinely by the Club for members or guests or employees. There is also a grass, overflow parking area that will be gated and locked except for occasions when the Club expects a large crowd and will therefore need that additional parking area. After such special events, the grass overflow parking area will again be gated off to prevent its use or access.
20. As noted by the applicant at the public hearing, no change in membership or general activities at the club is proposed as part of this application. There are also no proposed changes to the Club activities, other than an expansion of the driving range.
21. The Commission notes with respect to the proposed stormwater management system proposed by the applicant and required by the Commission herein, there is a need for the Club to file a Notice of Drainage Maintenance Plan outlining the protocol for maintenance of the proposed and installed drainage system in the Darien Land Records. This will alert future property owners of the existing on-site drainage facilities and the need to maintain said facilities to minimize any potential downhill impacts.
22. The nature of the proposed use is such that the project will not hinder or discourage the appropriate development and use of adjacent land and buildings, or impair the value thereof.
23. The location and size of the use conforms to the requirements of Section 1005 (a-g) and will not adversely affect public health, safety and welfare.
24. The Commission has considered all evidence offered at the Public Hearing regarding the character and extent of the proposed activities, the land involved, the possible effects of the activities on the subject property and on the surrounding areas, and the suitability of such actions to the area for which it is proposed.

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25. The site plan has been reviewed by the Commission and is in general compliance with the intent and purposes of Section 1000.

NOW THEREFORE BE IT RESOLVED that Special Permit #15-N/Site Plan and Land Filling & Regrading Application #44-B are hereby modified and granted subject to the foregoing and following stipulations, modifications and understandings:

- A. Construction of the parking lot with associated lighting, the expansion of the driving range and practice area, landscaping, stormwater management, and filling & regrading shall be in accordance with the plans submitted to and reviewed by the Commission, as required to be modified herein:
- *Site Key Plan depicting Driving Range prepared for Wee Burn Country Club, by Redniss & Mead, Sheets SE-1, SE-4 and SE-5 last revised October 1, 2015, and Sheets SE-2, SE-3, SE-7 and SE-8 last revised July 23, 2015.*
 - *Hollow Tree Ridge Road Vegetative Buffer Plan by William Kenny Associates, LLC, dated July 28, 2015 revised 10-01-15.*
 - *Practice Area Landscape Plan by Fazio Design dated July 16, 2015 revised October 1, 2015.*
 - *Photometric Report/Lighting Plan by Christian Rae Design Studio, LLC, dated August 24, 2015 revised 10-01-15, Sheet E1.1.*
- Sheet SE-5, the Sediment & Erosion Control Plan last revised 10/01/2015 shows an area designated as “Top Soil Stockpile & Processing”. Since rock crushing, screening or other processing of material is not allowed in a residential zone, prior to the start of any on-site work, this plan shall be revised to remove the word “processing”. No work may begin until that revised plan has been submitted to the Planning & Zoning Office.**
- B. As noted by the applicant, this application proposes no change to the hours, days or times of the Club operations. Any other proposals for change would require an amendment of the Club’s Special Permit, and action by the Planning and Zoning Commission.
- C. During construction, the applicant shall utilize the sediment and erosion controls illustrated on the 10-1-2015 plans (as required to be revised herein), and any additional measures as may be necessary due to site conditions. These sediment and erosion controls shall be installed and maintained to minimize any adverse impacts during the construction and until the area has been revegetated or restabilized. The Planning and Zoning Department shall be notified prior to commencement of work and after the sedimentation and erosion controls are in place. The staff will inspect the erosion controls to make sure that they are sufficient and are as per the approved plans. All erosion control measures must be maintained until the disturbed areas are stabilized.
- D. In order to minimize impacts on neighboring property owners, the Commission hereby requires that the new twelve foot high parking lot lights be on timers. They shall be turned off no later than 10:30 p.m. daily, unless there is an event warranting such use. All new lighting shall comply with Section 405b of the Darien Zoning Regulations. Light source (filament and reflectors) shall be concealed within the fixture and shall be screened from view from all off site properties. The internal shields or reflectors shall be adjustable so that the direction that the

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light shines is controllable. After installation of the lights, it might be necessary to install additional exterior shields to control light spillage and protect the neighbors and public as intended herein. Per the Zoning Regulations, the height of the light is measured from the ground to the top of the fixture and includes the base, pole and fixture (not just the length of the pole).

- E. Netting shall be installed as shown on the plans—at a height of forty (40) feet high, on poles which can be adjusted in the future up to fifty (50) feet high. The Commission hereby requires that the Club start at forty (40) feet, but return to the Commission in the future, a higher net is needed for safety reasons. The poles shall be painted flat black and shall be no more than sixteen inches in diameter.
- F. The Club has shown on Sheet SE-1, in the practice tee area, a Future Instruction Building 35' x 55'+/-. That building is not part of this approval. Any future request for such building requires review and action by the Planning & Zoning Commission.
- G. Prior to the start of work, the Club shall file a mylar in the Darien Land Records to merge the 480 and 490 Hollow Tree Ridge Road properties into the 410 Hollow Tree Ridge Road property, which is the Club property. As noted in the Commission's findings above, the proposed driving range, buffer plantings and forty foot high netting extends onto these properties. The structure at 490 Hollow Tree Ridge Road shall continue to be used as a single-family residence. Any future request for a change to the use of that building requires review and action by the Planning & Zoning Commission.
- H. At the October 6, 2015 public hearing, one of the neighbors suggested conditions of approval. The Club noted that they were agreeable to those conditions in concept. Therefore, after due consideration of the neighbors' concerns, in order to minimize impacts on neighboring properties, and some changes to the suggested language, the Commission hereby incorporates the following conditions into this approval:
 - 1) All landscaping shall be in full accordance with the October 1, 2015 plans referred to in Condition A, above.
 - 2) Sheets SE-1 and SE-4 show the elimination of one of the driveway curb cuts at 480 Hollow Tree Ridge Road. That shall be implemented.
 - 3) The plans show 72 parking spaces behind the vegetative buffer—there shall not be more than that installed;
 - 4) Removal of 50 foot high pole(s), and the installation of poles forty feet in height and no more than sixteen inches in diameter (as shown on Sheet SE-1);
 - 5) The new driving range net at 490 Hollow Tree Ridge Road shall not be greater than forty feet in height. At the time of planting/installation, the height of the proposed landscaping shall be pursuant to the plans approved in Condition A, above.
 - 6) New lights shall be in accordance with the plans approved in Condition A, above, including the use of 36 inch high bollard lights and twelve foot high lightpoles. The lights in the grass parking area shall be on timers and shall only be used during large events.
 - 7) All plantings that die shall be replaced as soon as practicable so as to preserve the integrity of the vegetative screening plan required herein.

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- I. In order to address stormwater management, the applicant has submitted a plan for porous pavement in the new parking lot. The Commission is requiring the installation and continued maintenance of that system by the owner of that property.
- J. By January 3, 2016 (within the next 60 days) and prior to the start of any filling or regrading work, a Drainage Maintenance Plan shall be submitted to the Planning and Zoning Office for review and action by the Director of Public Works and the Planning and Zoning Director. This plan shall include the proposed drainage system. After approval by the two Directors, it shall be filed in the Planning & Zoning Department. The Drainage Maintenance Plan shall require the property owner and all subsequent property owners of the Club property to maintain the on-site drainage facilities, and will alert future property owners of the on-site drainage facilities and the need to maintain said facilities to minimize any potential downhill impacts. A Notice of Drainage Maintenance Plan shall be filed in the Darien Land Records within 60 days of this approval.
- K. Prior to the use of the parking lot, and prior to November 3, 2016, a final, written certification is hereby required to be submitted to the Planning & Zoning Department certifying that the new all required work has been installed in compliance with the approved plans, including certification from a professional engineer that the stormwater management system (the porous pavement) has been installed pursuant to the approved plans; and a letter from a landscape architect that the required plantings have been installed pursuant to the approved plans.
- L. The granting of this Permit does not relieve the applicant of the responsibility of complying with all other applicable rules, regulations and codes of the Town, State, or other regulating agency. A Sewer Connection Permit from the Sewer Services Department is required for this project. A Street Opening Permit from the Department of Public Works will be needed to close an existing curb cut on Hollow Tree Ridge Road. A Demolition Permit for the 480 Hollow Tree Ridge Road residence will be needed. A septic abandonment permit for that property from the Darien Health Department is also required. An Electrical Permit from the Building Department will be needed for the new parking lot lighting. Whether a Zoning or Building Permit is needed for the driving range, parking lot and other construction shall be determined in a meeting between the Building Official and representatives of the applicant.
- M. In evaluating this application, the Planning and Zoning Commission has relied on information provided by the applicant. If such information subsequently proves to be false, deceptive, incomplete and/or inaccurate, the Commission reserves the right, after notice and hearing, to modify, suspend, or revoke the permit as it deems appropriate.
- N. This permit shall be subject to the provisions of Sections 1009 and 1025 of the Darien Zoning Regulations, including but not limited to, implementation of the approved plan within one (1) year of this action (November 3, 2016). This may be extended as per Sections 1009 and 1025.

All provisions and details of the plan, including the requirement for a revised Sheet No. SE-5, shall be binding conditions of this action and such approval shall become final upon compliance with these stipulations and the signing of the final documents by the Chairman. A Special Permit form and Notice of Drainage Maintenance Plan shall be filed in the Darien Land Records in order to finalize this approval within 60 days of this action AND prior to the issuance of a Zoning or

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Building Permit (if the Building Official determines that one is required) or this approval shall become null and void.

At about 9:50 p.m., Chairman Cameron then read the following agenda item:

Deliberation only on public hearings closed on October 27:

Amendments to Darien Zoning Map (COZM2-2015), Amendment to Darien Zoning Regulations (COZR4-2015) put forth by 1950 Post Road, LLC. Proposing to: 1) amend the Darien Zoning Map by changing the current boundary between the NB Zone and the R-1/2 Zone to run along the property boundaries, rather than being 100 feet from the Boston Post Road right-of-way; and 2) amend Section 604(c) of the Darien Zoning Regulations to allow dwelling units on upper floors: The Zoning Map amendments would rezone the following parcels from being split-zoned, to be entirely within the NB Zone: 1926, 1936, 1950 & 1958 Boston Post Road (shown on Assessor's Map #51 as Lots #38, #39, #40, and #41). The parcel which will be rezoned to become entirely within the R-1/2 Zone is 8 Ring's End Road (Map #51, Lot #34). Parcels in the vicinity which will not be changed: 1910 and 1918 Boston Post Road and 6 Ring's End Road. They are shown as Lots #35, #36, & #37.

Relative to the zoning map and regulation amendments, Ms. Cameron said that the property is now split-zoned, and Mr. Maslan's suggestions as part of this application were good. Mr. Olvany wanted to make sure the Commission is consistent. Mr. DiDonna wanted to make sure that the neighbors are well protected. Mr. Sini said that the original application was too complex, and the rezoning of the property makes sense. Mr. DiDonna said that the landscaped buffer in the rear yard is important. Mr. Sini and Mr. Voigt agreed that a subsequent application to rezone 6 Ring's End Road from NB to residential (R-1/2) would make sense. This would require a subsequent application and public hearing.

Chairman Cameron read the following agenda item:

Business Site Plan Application #289-A/Special Permit, Land Filling & Regrading #351-A, 1950 Post Road, LLC, 1950 Boston Post Road. Proposing to: demolish the existing structures on the site; build a two-story mixed use building with associated on-site parking; and perform related site development activities.

As for the site plan and special permit applications, Mr. DiDonna said that the rear neighbor can redevelop their property. Ms. Cameron noted the stormwater management improvements to be made as part of this proposal. Mr. Sini said that the neighbor to the east wants a six foot high fence. Mr. DiDonna said that planting is preferred over a fence in the rear. Mr. Sini recommended that an as-built photometric plan be required as part of the approval to ensure that the property is developed according to plan and does not create impacts. Mr. Olvany said that a six foot high fence should be required, and if in the determination of staff and the neighbor, staff may increase that to an eight foot high fence. Mr. Olvany also noted the importance of including a finding in the resolution that this is a Protected Town Landmark and there have been at least two consultants who have made it clear that this structure has no historical value remaining. Mr. Ginsberg said that Town Historian Marian Castell agreed with those consultants. Commission members confirmed that it would be appropriate to demolish the structure in light of the imminent Commission action and the evidence

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which was provided. Mr. Ginsberg will draft a resolution for Commission review at their late November meeting.

Chairman Cameron read the following agenda item:

Flood Damage Prevention Application #329-B, Land Filling & Regrading Application #308-B, 25 Brush Island Road, LLC & James Degnan, 19, 23, and 25 Brush Island Road. Proposal to expand existing common driveway that serves #19 and #21 Brush Island Road to also serve #23 and #25 Brush Island Road and to perform related site activities within a regulated area.

Mr. Olvany expressed some concern regarding the future site development. Ms. Cameron said that she was pleased with the proposal, and she noted that the Fire Marshal seemed to be okay with the proposed improvements as well. Mr. Sini believed that the shared driveway was better than numerous stand-alone driveways. Mr. Voigt agreed. Mr. Sini noted that benefit of the proposed fire hydrant. Mr. Ginsberg will draft a resolution for consideration at an upcoming meeting.

Chairman Cameron read the following agenda item:

Land Filling & Regrading Application #368, Charles & Kristin Collier, 66 Pear Tree Point Road. Proposing to fill and regrade front yard, construct associated retaining walls, and perform related site development activities.

Mr. Sini said that he had no issues or concerns with the application. Ms. Cameron and Mr. Olvany agreed. Mr. Ginsberg will draft a resolution for consideration at an upcoming meeting.

Chairman Cameron read the following agenda item:

Flood Damage Prevention Application #193-A, 184 Nearwater Lane, LLC, 184 Nearwater Lane. Proposing to construct a new single-family residence and to perform related site development activities within a regulated area.

Mr. Voigt noted that the proposed replacement residence will look big on such a small lot. Mr. Olvany said that he had no concerns with the proposal.

Chairman Cameron read the following agenda item:

Appointment of Deputy Zoning Official.

Mr. Ginsberg explained that Mr. Keating will be out on medical leave for at least two months, and it would be appropriate for the Commission to appoint a Deputy Zoning Official in his absence to review and approve zoning permits and act as the Zoning Enforcement Officer. Mr. Voigt made a motion to appoint Mr. Ginsberg. That motion was seconded by Mr. Sini, and approved by a vote of 5-0.

Chairman Cameron read the following agenda item:

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Update on Pending Projects

Mr. Ginsberg then updated the Commission on a number of projects. These include the following:

- Koko's Café on Boston Post Road is finally open;
- Trader Joe's has made the required traffic and signage improvements, but will not move into the former Orvis space until January or February 2016;
- Darien Diner (the former Friendly's on Boston Post Road) is still under construction;
- The "new" Tokeneke Club is working on installing their new septic system, with the Darien Health Department visiting the site almost on a daily basis to oversee and review the work;
- The Locust Hill, LLC project at the corner of Locust Hill Road and Settler's Trail is underway. The sight line improvements have been made at the corner, and she now has Zoning and Building Permits for all of the on-site units. She is still investigating the location of the off-site below market rate units;
- The Leroy-West senior housing (with some affordable units) has all necessary Zoning and Building Permits to proceed;
- Noroton Presbyterian additions and alterations are complete, and Mr. Ginsberg is working with church staff on having their bond returned, since the work has been properly done;
- Weed Beach Master Plan for the Short Lane property is underway, and a survey is available for the public and Commission members either on-line, or hard copy.

Chairman Cameron then read the following agenda item:

Approval of Minutes

October 6, 2015 Public Hearing/General Meeting

October 20, 2015 General Meeting/Public Hearing

It was agreed that both sets of minutes would be placed on next week's agenda.

There being no further business, the following motion was made: That the Commission adjourn the meeting. That motion was made by Mr. Olvany, seconded by Mr. Voigt and unanimously approved. The meeting was adjourned at 10:30 P.M.

Respectfully submitted,

Jeremy B. Ginsberg
Planning & Zoning Director

11.03.2015min